



2009 ANNUAL TOWN MEETING MOTIONS

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2008 ANNUAL TOWN MEETING MOTIONS

REPORTS

ARTICLE 1: Acceptance of Town Reports

Majority Vote Required

Motion: That the Town accept the Reports of Town Officers, Boards and Committees for the calendar year 2008.

Selectmen Recommend

FINANCIAL (FISCAL YEAR 2009)

ARTICLE 2: Fiscal Year 2009 Supplemental Appropriations

Majority Vote Required

Motion: That the Town dismiss Article 2.

Selectmen Recommend and Finance Committee will make recommendation at Town Meeting

ARTICLE 3: Fiscal Year 2009 Budget Transfers

Majority Vote Required

Motion: That the Town dismiss Article 3.

Selectmen Recommend and Finance Committee will make recommendation at Town Meeting

ARTICLE 4: Unpaid Bills from Previous Fiscal Year(s)

4/5 Vote Required

Motion: That the Town appropriate from Free Cash the sum of \$56.71 (FIFTY SIX DOLLARS AND SEVENTY ONE CENTS) to cover the costs of unpaid bills in previous fiscal years due to MacKay Hardware in accordance with the provisions of MGL Chapter 44, Section 64.

Selectmen Recommend and Finance Committee Recommends

FINANCIAL (FISCAL YEAR 2010)

ARTICLE 5: Acceptance of Chapter 71: Section 37M Consolidation of Administrative Functions of Town and School *Majority Vote Required*

Motion: That the Town accept the provisions of Massachusetts General Laws Chapter 71, Section 37M to allow the Town to consolidate administrative functions, including but not limited to financial, personnel, and maintenance functions, of the School Committee with those of the Town.

Selectmen Recommend and Finance Committee Recommends

ARTICLE 6: Amendments to the Wage and Classification Plan *Majority Vote Required*

Motion: That the Town amend the Pay Classification Plan for non-union municipal employees, effective July 1, 2009 as follows:

Change Position Title and Band:								
Position Title	Current Band	Min	Mid	Max	New Band	Min	Mid	Max
Administrative Secretary to the Town Manager to Administrative Assistant to the Town Manager	Band 2	\$37,893	\$46,051	\$54,209	Band 3	\$42,442	\$51,579	\$60,715
Band Changes:								
Position Title	Current Band	Min	Mid	Max	New Band	Min	Mid	Max
Finance & Budget Analyst	Band 3	\$42,442	\$51,579	\$60,715	Band 4	\$47,534	\$57,768	\$68,002
Social Worker	Band 3	\$42,442	\$51,579	\$60,715	Band 4	\$47,534	\$57,768	\$68,002
Create the Following New Position:								
Position Title	Current Band	Min	Mid	Max	New Band	Min	Mid	Max
Director of Land Use Management					Band 8	\$68,946	\$83,789	\$98,631

Selectmen, Personnel Advisory Committee Recommend. Finance Committee Recommend recommends changes relative to Administrative Secretary, Finance & Budget Analyst, Social Work and will make recommendation on Director of Land Use Management at town meeting.

ARTICLE 7: Fiscal Year 2010 Operating Budget *Majority Vote Required*

Motion: That the Town appropriate the sum of \$87,774,553 (EIGHTY SEVEN MILLION SEVEN HUNDRED SEVENTY FOUR THOUSAND FIVE HUNDRED FIFTY

THREE DOLLARS) for the operation and maintenance of Town Departments for the Fiscal Year July 1, 2009 through June 30, 2010, such sums to be expended for such purposes under the direction of the respective Town Officers, Boards and Committees and further that all items be raised and appropriated except for the following:

Fund 100 General Fund: \$303,515.17 shall be appropriated from Overlay Surplus

Fund 240 Community Preservation Fund: \$789,369 shall be appropriated from Community Preservation Fund Estimated Annual Revenue.

Fund 270 Receipts Reserved for Appropriation: \$5,500 shall be appropriated From Conservation Wetlands Fees

Fund 600 Water Enterprise Fund: \$3,424,152 shall be appropriated from Water Enterprise Revenue.

Fund 630 Recreation Enterprise Fund: \$1,050,000 shall be appropriated from Recreation Enterprise Revenue.

Fund 640 Ambulance Enterprise Fund: \$472,500 shall be appropriated from Ambulance Enterprise Revenue.

Possible Amendment to Article 7:

The following is dependent on the re-org between the Town Manager's Office and the Planning/Permitting Dept.:

152	HUMAN RESOURCES	
	Personal Services	\$166,587
	Expenses	\$12,020
	Compensation Reserve	\$_____
	Total 152	\$_____
170	PERMITTING	
	Personal Services	\$_____
	Expenses	\$49,000
	Total 170	\$_____

For a total appropriation under Article 7 of \$87,774,553

<i>Selectmen Recommend and Finance Committee Recommends</i>

ARTICLE 8: Property Tax Exemption Increase by 100% for the

Majority Vote Required

Blind, Elderly and for Disabled Veterans

Motion: That the Town accept the provisions of Chapter 73, Section 4 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, by providing for additional property tax exemptions for qualified residents who may be blind, elderly, surviving spouses or minors, or who are disabled veterans, and to continue the present percentage increase of 100%.

Selectmen Recommend and Finance Committee Recommends

ARTICLE 9: Property Tax Deferral for Seniors: Amend and Increase Qualifying Income *Majority Vote Required*

Motion: That the Town accept the provisions of Chapter 73, Section 4 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, by providing for additional property tax exemptions for qualified residents who may be blind, elderly, surviving spouses or minors, or who are disabled veterans, and to continue the present percentage increase of 100%.

Selectmen Recommend and Finance Committee Recommends

ARTICLE 10: Revolving Funds *Majority Vote Required*

Motion:

- a) That the Town re-authorize revolving funds for the Fiscal Year July 1, 2009 - June 30, 2010, under the provisions of MGL Chapter 44, Section 53 E ½ for the fiscal year beginning July 1, 2009 as follows:

Revolving Account	Spending Authority	Revenue Source	Allowed Expenses	Expenditure Limits	Year End Balance
Recycling Revolving	Recycling Commission	Sale of bins and bulk stickers	Purchase of recycling supplies	\$20,000	Available for expenditure next year
Recreation Field Maintenance	Recreation Commission	Field user fees/permits	Field maintenance, personnel and consulting services	\$150,000	Available for expenditure next year
Revolving Account	Spending Authority	Revenue Source	Allowed Expenses	Expenditure Limits	Year End Balance
School Parking	School Department	Parking fees	Maintenance and expansion of parking facilities	\$32,800	Available for expenditure next year

School Bus/Transportation	School department	User bus fees	Student transportation costs	\$510,000	Available for expenditure next year
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- b) That the Town authorize a revolving fund for the Fiscal Year July 1, 2009 - June 30, 2010, under the provisions of MGL Chapter 44, Section 53 E ½ for the following:

Revolving Account	Spending Authority	Revenue Source	Allowed Expenses	Expenditure Limits	Year End Balance
Health Department Clinic	Board of Health	Clinic fees	Professional services, clinical supplies	\$30,000	Available for expenditure next year

Selectmen Recommend and Finance Committee Recommends Part a)
Selectmen Do Not Recommend and Finance Committee Does Not Recommend Part b)

ARTICLE 11: Highway Department Chapter 90 Funds *Majority Vote Required*

Motion: That the Town appropriate the sum of \$659,023 (SIX HUNDRED FIFTY NINE THOUSAND TWENTY THREE DOLLARS) from the proceeds due to the Town under the provisions of Massachusetts General Laws Chapter 90; for the purposes of repair, construction, maintenance and preservation of the Town roads and bridges and other related costs which qualify under the State Aid Highway Guidelines adopted by the Massachusetts Highway Authority.

Selectmen Recommend and Finance Committee Recommends

ARTICLE 12: Transfer \$30,000 from Ambulance Enterprise Free Cash *Majority Vote Required*

Motion: That the Town transfer the sum of \$30,000 (THIRTY THOUSAND DOLLARS) from Ambulance Enterprise Free Cash to be expended for the contractual Advance Life Support and Medicare Services.

Selectmen Recommend and Finance Committee Recommends

CAPITAL EXPENSES (FISCAL YEAR 2010)

ARTICLE 13: Capital Requests *Majority Vote Required*

Motion: That the Town raise and appropriate the sum of \$1,500,000.00 (ONE MILLION FIVE HUNDRED THOUSAND DOLLARS) to provide for the following capital requests:

<i>DEPARTMENT</i>	<i>AMOUNT</i>	<i>PURPOSE</i>
Technology	\$260,000	Hardware, software, maintenance, and any other related costs
Police Department	\$ 5,600	Bullet Proof Vests
Police Department	\$ 73,316	Two cruisers and accessories and any other related costs
Police Department	\$ 30,903	Portable radios and any other related costs
Fire Department	\$465,000	Replace Engine 1 and any other related costs
Fire Department	\$ 78,000	Replace boiler at Fire Headquarters and any other related costs
School Department	\$325,000	Waste Treatment Facility Plant upgrades at Westford Academy and any other related costs
School Department	\$ 80,000	Exterior door replacement at Abbot School and any other related costs
Highway Department	\$ 25,000	Catch Basin Truck Unit and any other related costs
Library	\$ 8,870	Flooring repairs, carpet replacement, associated moving costs and any other related costs
Library	\$ 50,000	Repairs to and/or replacement of Library rear entry and any other related costs
Historical Commission	\$ 10,000	Repairs to roof at 2 Boston Rd and any other related costs
Historical Commission	\$ 2,000	Replacement of oil tank at 2 Boston Rd. and any other related costs

And further;

2/3 Vote Required

<i>DEPARTMENT</i>	<i>AMOUNT</i>	<i>PURPOSE</i>
Capital Stabilization Fund	\$86,311	Appropriation to the Capital Stabilization Fund

Selectmen Recommend and Finance Committee Recommends

ARTICLE 14: Develop New Well Source-Stepinski Parcel

Majority Vote Required

Motion: That the Town transfer the sum of \$75,000 (SEVENTY FIVE THOUSAND DOLLARS) from Water Enterprise Free Cash, to be expended under the direction

of the Board of Water Commissioners, to pay for the costs of a pump test and required permitting and any other related costs, to develop a new well source, to be constructed on that portion of the so-called Stepinski parcel in the care, custody and control of the Water Department identified as "Parcel A".

Selectmen Recommend and Finance Committee Recommends

ARTICLE 15: Perchlorate Expenses

Majority Vote Required

Motion: That the Town raise and appropriate the sum of \$100,000 (ONE HUNDRED THOUSAND DOLLARS) for the purpose of providing funds to address associated issues regarding perchlorate contamination.

Selectmen Recommend and Finance Committee Recommends

ARTICLE 16: Authorization of Debt for Senior Center Renovations and Construction

2/3 Vote Required

Motion: That the Town appropriate the sum of \$4,000,000 (FOUR MILLION DOLLARS) to be expended under the direction of the Board of Selectmen to pay costs of renovations and / or an addition to the current Cameron Senior Center, including any other costs incidental and related thereto; and as funding therefor to borrow pursuant to Massachusetts General Laws Chapter 44, Sections 7(3) and 7 (3A), or pursuant to any other enabling authority, said borrowing is excluded from the provisions of proposition two and one half (2 ½) so called; and to further authorize the Board of Selectmen to take any action necessary to carry out this vote.

Selectmen Recommend and Finance Committee Recommends

ARTICLE 17: Authorization of Debt for Town Hall Renovations and Construction

2/3 Vote Required

Motion: That the Town appropriate the sum of \$3,300,000 (THREE MILLION THREE HUNDRED THOUSAND DOLLARS) to be expended under the direction of the Board of Selectmen to pay costs of renovating and/or constructing an addition to the current Town Hall, including all costs incidental and related thereto; that to meet this appropriation the sum of \$840,000 (EIGHT HUNDRED AND FORTY THOUSAND DOLLARS) be appropriated from the Community Preservation Fund Undesignated Fund Balance; that the sum of \$460,000 (FOUR HUNDRED

AND SIXTY THOUSAND DOLLARS) be appropriated from the Community Preservation Fund Historic Reserve; that the Treasurer, with the approval of the Board of Selectmen is hereby authorized to borrow the sum of \$1,025,000 (ONE MILLION TWENTY-FIVE THOUSAND DOLLARS) pursuant to Massachusetts General Laws Chapter 44B, Section 11 or any other enabling authority and to issue bonds and notes therefor, and that the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$975,000 (NINE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS) pursuant to Massachusetts General Laws Chapter 44, Section 7(3) and 7(3A), or any other enabling authority and to issues bonds and notes therefor; and to further authorize the Board of Selectmen to take any other action necessary to carry out this vote

CPC Recommend, Selectmen Recommend and Finance Committee Recommends

CPA FUNDS

ARTICLE 18: Community Preservation Committee Recommendations

Majority Vote Required

Motion: That the Town, pursuant to Massachusetts General Laws, Chapter 44B, in accordance with the recommendations of the Westford Community Preservation Committee, appropriate from Community Preservation Funds the sum of \$558,010.14 (FIVE HUNDRED FIFTY-EIGHT THOUSAND TEN DOLLARS AND FOURTEEN CENTS) as follows:

\$235,235	From Undesignated Fund Balance To the Community Housing Reserve This allocation more than covers the required 10% for Community Housing	<i>Community Housing Reserve</i>
\$20,000	From Undesignated Fund Balance For the refurbishment of six (6) Greek revival windows in the third-floor Mary Atwood Hall in the J.V. Fletcher Library	<i>Board of Library Trustees</i>
\$13,713.14	From Undesignated Fund Balance For the 2009 Town Records Preservation Project and any other	<i>Records & Archives Management Committee</i>

	related costs	
\$ 14,062	From Undesignated Fund Balance For the restoration and preservation of historic grave markers from four separate cemeteries.	<i>Cemetery Commission</i>
\$35,000	From Undesignated Fund Balance For the Ronan McElligott Memorial Playground and any other related costs.	<i>Westford Friends of Recreation / Westford Parks and Recreation Commission</i>
\$35,000	From Undesignated Fund Balance For the roof replacement at the Sargent School Housing in Graniteville and any other related costs.	<i>Westford Housing Authority</i>
\$190,000	From Undesignated Fund Balance To the Conservation Trust Fund for future land purchases	<i>Conservation Commission</i>
\$15,000	From FY10 Community Preservation Estimated Revenue For administrative expenses for the Community Preservation Committee	<i>Community Preservation Committee</i>

Selectmen Recommend and Finance Committee Recommends

ADMINISTRATIVE

ARTICLE 19: Institute Waste Reduction Program

Majority Vote Required

Motion: That the Town direct the Board of Selectmen to institute a waste reduction program, as part of the Town's curbside collection of solid waste and recyclables service, that would have the following elements: each household would be allowed to place at the curbside for pickup each week one 36 gallon container or bag containing non-recyclable, acceptable solid waste; additional 33 gallon bags, imprinted with an official identifier, for non-recyclable, acceptable solid waste may be placed at curbside for collection provided the resident purchases said bags from the Town at designated locations at a cost to be determined by the

Board of Selectmen; an unlimited amount of recyclable materials may be placed at the curbside during the week regularly scheduled for recycling collection.

Selectmen Recommend and Finance Committee Recommends

ARTICLE 20: Renaming of Central Fire Station

Majority Vote Required

Motion: That the Town name the Westford Center Fire Station in memory of Harold A Fletcher, Senior.

Selectmen Recommend

**ARTICLE 21: Dissolution of Roudenbush Community Center
Committee & Transfer Care, Custody & Control of
Town Buildings to Board of Selectmen, Authority to
Enter Lease**

2/3 Vote Required

Motion: That the Town, pursuant to Massachusetts General Laws Chapter. 40, Section 15A, transfer the care, custody, control, and management of the Roudenbush Community Center land and buildings, located at 65 Main Street and 73 Main Street (Assessors' Map No. 59, Parcel No. 42) and 170 Plain Road (Assessors' Map No. 74, Parcel No. 108) from the Roudenbush Community Center Committee to the Board of Selectmen to be held for general municipal purposes and for the purpose of leasing and to authorize the Board of Selectmen to lease in accordance with the provisions of Massachusetts General Laws Chapter. 30B, Section 16, as applicable, all or a portion of the real property known as the Roudenbush Community Center for a term not to exceed ten years with an intended purpose similar to that which is currently in operation as reasonably determined by the Board of Selectmen, on such terms and conditions as the Board of Selectmen deem to be in the best interests of the Town; and further to dissolve the Roudenbush Community Center Committee.

Selectmen Recommend and Finance Committee Recommends

GENERAL BYLAW AMENDMENTS

ARTICLE 22: Change Town Meeting Date

Majority Vote Required

Motion: That the Town amend Chapter 51, Section 51.1 A and 51.1 B of the Westford General Bylaws relating to the date of the Annual Town Meeting by deleting the current text and replacing it with the following text:

- A. Date and time of Annual Town Elections. [Amended 2-20-33 ATM Art. 13; 2-17-47 ATM Art. 35; 3-12-66 ATM Art. 36; 12-19-73 STM Art. 4. Replaced 10-2-90 STM Art. 10. Amended 5-11-02 ATM Art. 30] The Annual Meeting for the election of Town officers and the determination of matters as by law or vote of the Town are required to be elected or determined by ballot shall be held on the first Tuesday of May each year. The polls shall be open at 7:00 A.M. and shall remain open until 8:00 P.M.
- B. Date and time of Annual Town Business Meetings. All other business of the Annual Town Meeting shall be considered at 10:00 A.M. on the fourth Saturday in March, except that if the Board of Selectmen determines that such date conflicts with the traditional observance of a religious holiday, the Board of Selectmen may delay the Annual Town Meeting to a subsequent Saturday that does not conflict with any religious holiday;

<p><i>Selectmen Recommend; Finance Committee <u>Does Not</u> Recommend; Bylaw Review Committee recommends as to format.</i></p>

ARTICLE 23: Change Quorum Requirement for Special Town Meeting

Majority Vote Required

Motion: That the Town amend Chapter 51, Section 51.2 B of the Westford General Bylaws relating to the quorum requirement at a Special Town Meeting by deleting the current text in its entirety and replacing it with the following text: "A quorum of 200 registered voters shall be required to convene a Special Town Meeting. Once a Special Town Meeting has been opened, there shall be no quorum requirement."

<p><i>Selectmen Recommend; Finance Committee Recommends; Bylaw Review Committee recommends as to format.</i></p>
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ARTICLE 24: Conservation Land - Rules and Regulations Violations

Majority Vote Required

Motion: That the Town amend Chapter 1, Section 1.4 of the Westford General Bylaws (Penalties and enforcing person for violation of bylaws or regulations) as follows:

1. Under "Conservation Commission Regulations" : Amend "Use of Conservation Land" to read "Rules and Regulations for Use of Town of Westford Conservation Lands";
2. Under Enforcing Persons" delete "Planning/Conservation Coordinator" and replace it with " Westford Police, Town Bylaw Enforcement Officer, Conservation/Resource Planner;
3. Under "Offense" and "Fine", delete "1st Offense \$25" and "Subsequent offenses \$100.00" and replace with the following: "1st Offense \$50.00, 2nd offense \$75.00, third and subsequent offenses \$100.00";

Selectmen Recommend; Bylaw Review Committee recommends as to format.

ARTICLE 25: Board of Health Fines

Majority Vote Required

Motion: That the Town delete all Board of Health entries in Chapter 1, sec. 1.4 of the General Bylaws and replace them with the following:

Board of Health Regulation/CMR	Enforcing Person	Offense	Fine
Ambient air quality standards (310 CMR 6.00–8.00)	Board of Health	1st and each subsequent offense	\$100
Animals			
Piggeries	Board of Health	1st and each subsequent offense	\$25
Stables	Board of Health	1st and each subsequent offense and per day	\$25
Bathing beaches, minimum standards for (105 CMR 445.000)	Board of Health	1st and each subsequent offense	\$100
Body art			
Body art without permit	Board of Health	Per day	\$300 **
Body art on minor without written consent by parent or legal guardian	Board of Health	Per violation/person	\$300 **
Performing tattooing/branding/scarification on anyone under 18	Board of Health	Per violation/person	\$300 **

Board of Health Regulation/CMR	Enforcing Person	Offense	Fine
Discharges to municipal storm drain systems	Board of Health	1st offense 2nd offense subsequent offenses	\$100 \$200 \$300
Floor drains	Board of Health	1st offense 2nd offense subsequent offenses	\$200 \$300 ** \$300 **
Food establishments, minimum sanitation standards for (105 CMR 590.000)			
Minimum sanitation standards for food establishments	Board of Health	1st and each subsequent offense	\$25
Critical violations of minimum sanitation standards for food establishments	Board of Health	1st and each subsequent offense	\$50
Food borne illness interventions and risk factors	Board of Health	1st and each subsequent offense	\$100
Hazardous Materials Storage	Board of Health	1st and each subsequent offense	\$300
Hazardous wastes (310 CMR 30.000)	Board of Health	1st and each subsequent offense	\$100
Human habitation, minimum standards for (105 CMR 410.000)	Board of Health	1st and each subsequent offense	\$100
Mercury disposal	Board of Health	1st and each subsequent offense	\$100
Nuisance	Board of Health	1st and each subsequent offense	\$100
Recreational camps for children, minimum sanitation and safety standards for (105 CMR 430.000)	Board of Health	1st and each subsequent offense	\$100
Site assignment for dumping grounds	Board of Health	1st and each subsequent offense	\$100
Subsurface disposal of sanitary sewage (310 CMR 15.000)	Board of Health	1st and each subsequent offense	\$100
Swimming pools, minimum sanitation for (105 CMR 435.000)	Board of Health	1st and each subsequent offense	\$100

Board of Health Regulation/CMR	Enforcing Person	Offense	Fine
Tanning facilities (105 CMR 123.000)	Board of Health	1st offense 2nd offense subsequent offenses	\$200 \$300 ** \$300**
Tobacco			
Sale of tobacco products to minors by proprietor	Board of Health	1st and each subsequent offense	\$300
Sale of tobacco products to minors by employee	Board of Health	1st and each subsequent offense	\$200
Smoking in a non-smoking area Proprietor	Board of Health	1st offense 2nd offense subsequent offenses	\$200 \$200 \$300
Smoking in a non-smoking area Individual	Board of Health	1st offense 2nd offense subsequent offenses	\$100 \$200 \$300
Water supply	Board of Health	1st and each subsequent	\$100

***Town Meeting approved increasing fines in excess of \$300, but Massachusetts General Laws chapter 40, section 21D limits the amount of a fine that may be collected through noncriminal disposition to \$300.*

Selectmen Recommend; Finance Committee Recommends; Bylaw Review Committee recommends as to format.

ARTICLE 26: Amend Chapter 68 Numbering of Buildings

Majority Vote Required

Motion: That the Town amend Chapter 68 of the General Bylaw as follows:

Chapter 68: Numbering of Buildings

[Adopted 3-18-61 Adj. ATM Art. 4. Amendments noted where applicable.]

§ 68.1. Numbering of Buildings

Every building in the Town of Westford, including but not limited to dwellings, apartment buildings, condominiums, and business establishments, shall have affixed thereto a number representing the address of such building. Said number shall be situated on the building and/or appurtenant land so that it is visible from the nearest street or road providing vehicular access to such building.

§ 68.21. Authority to determine and designate numbers. [5-11-2002 ATM Art. 30]

~~The Board of Selectmen may determine and designate numbers for all buildings abutting upon or adjacent to public ways and so shall determine and designate numbers for these buildings.~~

The Board of Selectmen shall have the authority to determine and designate numbers for all buildings abutting upon or adjacent to public ways. The Board of Selectmen may, however, create and delegate said authority to an E911 Committee comprised of the Fire Chief, the Police Chief and the Building Commissioner or their designees.

§ 68.3 Authority to adopt rules and regulations.

The Board of Selectmen or an E911 Committee created by the Board of Selectmen shall adopt rules and regulations for the administration of this Chapter.

§ 68.42. Compliance required. [5-11-2002 ATM Art. 30]

No person shall refuse or neglect to affix to any building owned by him/her the street number designated by the Board of Selectmen or the E911 Committee, nor shall any person affix or suffer to remain on any building owned or occupied by him/her a street number other than the one designated by the Board of Selectmen or the E911 Committee ~~Selectmen~~.

§ 68.53. Size and placement of numbers. [5-11-2002 ATM Art. 30]

The Board of Selectmen or the E911 committee shall determine the appropriate size and visibility requirements for the placement of house numbers. At a minimum, residential house numbers must be 3 inches ~~All numbers must be at least 2 inches in height. and must be placed that they are visible from the street.~~

§ 68.64. Violations and penalties [5-11-2002 ATM Art. 30]

Owners who are found to be in violation will receive written notice of non-compliance and be ordered to comply within 30 days. Penalties will be assessed if owners fail to comply within 90 days of written notice. Any person or entity who violates this chapter shall be subject to a fine of \$25 ~~liable to the following fines for each day of the violation.~~
~~continues:-~~

~~For the first and each subsequent offense: \$25~~

<i>Selectmen Recommend; Bylaw Review Committee recommends as to format.</i>

ARTICLE 27: Trench Regulations

Majority Vote Required

Motion: That the Town amend the Town Bylaws by adopting a new bylaw authorizing the Building Commissioner and the Board of Selectmen to enact regulations establishing a permitting program for the issuance of trench opening permits pursuant to Massachusetts General Laws Chapter 82A and 520 Code of Massachusetts Regulation 14:00, as follows:

Chapter 162: Trench Regulations

§ 162.1. Authorization; notification of hearings.

The Board of Selectmen and the Building Commissioner shall hereby be authorized to promulgate regulations relative to implementing a trench opening permitting program pursuant to Massachusetts General Laws Chapter 82A and 520 Code of Massachusetts Regulations 14.00. Prior to promulgation of the regulations, or to amendment thereof, the Board of Selectmen or Building Commissioner or Fire Chief shall hold a public hearing for which notice shall be provided at least one week prior to the hearing.

§ 162.2. Enforcement; violations and penalties.

Notwithstanding the provisions of Sections 1.1 through 1.3 of the Town Bylaws, violations of the regulations promulgated under authority of this bylaw may be enforced through any lawful means in law or in equity by the Board of Selectmen or the Building Commissioner or the Fire Chief, including but not limited to enforcement by non-criminal disposition in accordance with Massachusetts General Laws Chapter 40, Section 21D. Each day a violation exists shall constitute a separate violation. The regulations authorized by this section shall establish specific penalties for violation thereof in amounts not to exceed \$300.00 per violation;

<i>Selectmen Recommend; Bylaw Review Committee recommends as to format.</i>

ARTICLE 28: Fire Alarm Bylaw

Majority Vote Required

Motion: That the Town amend the Town Bylaws by adopting a new bylaw authorizing the Board of Selectmen and Fire Chief, after a public hearing, to promulgate regulations relative to fire protection and safety in the Town, to set fees for services related thereto, and to impose penalties for violations thereof in amounts not to exceed \$300.00 (THREE HUNDRED DOLLARS) per violation, as follows:

Chapter 94: Fire Alarms

§ 94.1. Authorization; notification of hearings.

The Board of Selectmen and Fire Chief shall hereby be authorized to promulgate regulations relative to fire protection and safety in the Town, including, but not limited to installation and operation of fire alarms and other fire protective systems and carbon monoxide alarms and to set fees for services incidental to permitting and monitoring such systems and alarms, provided, however, that such regulations must be consistent with applicable statutes, including the provisions of Massachusetts General Laws Chapter 148, the State Building Code (780 CMR), and the Massachusetts Fire Prevention Regulations promulgated by the State Board of Fire Prevention Regulations (527 CMR). Prior to promulgation of the regulations, or to amendment thereof, the Board of Selectmen and Fire Chief shall hold a public hearing for which notice shall be provided at least one week prior to the hearing.

§ 94.2. Enforcement; violations and penalties.

Notwithstanding the provisions of Sections 1.1 through 1.3 of the Town Bylaws, violations of the regulations promulgated by the Board of Selectmen and Fire Chief promulgated under authority of this bylaw may be enforced through any lawful means in law or in equity by the Board of Selectmen or the Fire Chief, including but not limited to enforcement by non-criminal disposition in accordance with Massachusetts General Laws Chapter 40, Section 21D. Each day a violation exists shall constitute a separate violation. The regulations authorized by this section shall establish specific penalties for violation thereof in amounts not to exceed \$300.00 per violation;

<i>Selectmen Recommend; Bylaw Review Committee recommends as to format.</i>

ZONING BYLAW AMENDMENTS

ARTICLE 29: Amendment to Section 6.3: Growth Management Bylaw

2/3 Vote Required

Motion: That the Town amend Chapter 173, Section 6.3 of the Westford Zoning Bylaw to extend the Growth Management Bylaw for an additional year to allow for the completion of the Comprehensive Master Plan update, as follows:

At §173-6.3.2.2 ADD and DELETE the following: (additions are underlined / deletions are crossed through)

§6.3.2.2 The provisions of this Section 6.3 shall expire on May 11, ~~2009~~2010; however, by vote of Town Meeting before said date, the provisions of this Section 6.3 may be extended for an additional five years, in order to continue comprehensive municipal planning studies necessary to promote orderly growth. In the event such action is taken by the Town Meeting prior to May 11, ~~2009~~2010, these provisions shall not be construed to have lapsed on such date

<i>Planning Board Does Not Recommend and Selectmen Do Not Recommend</i>

ARTICLE 30: Amendment to Section 3.2 Accessory Uses

2/3 Vote Required

Motion: That the Town amend Chapter 173, Section 3.2 of the Westford Zoning Bylaw to define the number of garages allowed in residential areas, as follows;

At §173-3.2.1 6 Garage, ADD and DELETE the following: (additions are underlined / deletions are crossed through)

6. *Garage.* ~~Garage for not more than 3 motor vehicles.~~ - Attached to residential structures- no more than 4 bays to house motor vehicles, with a maximum of not more than 3 bays on any one face of the structure.

Whether a detached accessory building, or attached to a residential building, a garage with not more than four bays to house a maximum of four motor vehicles shall be permitted as an accessory use to a single or two-family dwelling, provided that:

- (a)No more than three bays may be on any one face of the building;
- (b)The maximum size of each bay shall be 14 feet by 26 feet, with a maximum area of 364 square feet for a single bay and a maximum total area of 1,092 square feet for three contiguous bays; and
- (c)The total area of a garage shall not exceed 1,456 square feet for the purposes of housing vehicles.

Barns used to house motor vehicles shall be considered a garage use, unless it is used primarily for an exempt agricultural use under G.L. c. 40A, §3.

Planning Board Recommends and Selectmen Recommend

ARTICLE 31: Amendment to Section 8.2 Floodplain Overlay District

2/3 Vote Required

Motion: That the Town amend Chapter 173 of the Code of the Town of Westford as follows;

At §173-8.2.2 District Boundaries, ADD and DELETE the following:
(additions are underlined / deletions are crossed through)

8.2.2 District Boundaries. The boundaries of the FOD are shown on the Flood Insurance Rate Map (FIRM), dated June 15, 1983, revised November 14, 2005, and amended through November 13, 2008 by the Federal Emergency Management Agency, which represent the one-hundred year flood elevations designated at Zone A and Zones A1 through A30. The boundaries of the floodway are shown on the Flood Boundary and Floodway Map, ~~dated June 15, 1983,~~ and further defined by the floodway date tables contained in the Flood Insurance Study.

Planning Board Recommends and Selectmen Recommend

LAND USE & LAND ACQUISITIONS

ARTICLE 32: Comprehensive Master Plan

Majority Vote Required

Motion: That the Town accept the Westford Comprehensive Plan Update prepared and adopted by the Planning Board on April 21, 2009 pursuant to Massachusetts General Laws Chapter 41, Section 81D.

Planning Board Recommend and Selectmen await Planning Board vote

ARTICLE 33: Allie Lane Land Gift

Majority Vote Required

Motion: That the Town authorize the Board of Selectmen to accept a gift of land from Granite Hill Estates, LLC, which will transfer the care, custody and control of a certain parcel of land, containing approximately 15 +/- acres commonly known as the "Allie Lane" parcel and identified as Westford Assessors' Map 35 Parcel 101,

which is more accurately described as Parcel 4, 4-2; Second in a deed running from Herbert E. Fletcher et.al. to Granite Hill Estates, LLC, dated December 9, 1999 and recorded with the Middlesex North Registry of Deeds at Book 10576, Page 123 to the inhabitants of the Town of Westford, and said land is to be under the care, custody and control of the Board of Selectmen for general municipal purposes.

<i>Selectmen Recommend</i>

ARTICLE 34: Lease of Day Agricultural and Conservation Land

2/3 Vote Required

Motion: That the Town authorize the Conservation Commission to lease for agricultural use for up to ten years, a portion of the land under its care and custody located on Graniteville Road known as the Day Agricultural and Conservation Land (Assessors' Map 26 Parcel 37) and to authorize the Selectmen to file special legislation with the General Court, pursuant to Article 97, authorizing the Conservation Commission to lease the land known as the Day Agricultural and Conservation Land (Assessors' Map 26 Parcel 37) for agricultural use for up to ten years.

<i>Selectmen Recommend</i>
